

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Criminal Case No. 08 MJ 8749 PCL
)	
Plaintiff,)	ORDER OF DETENTION ON
)	DEFENDANT'S WAIVER OF BAIL
v.)	PENDING TRIAL
)	
Gilberto David Andrade-Gastelum,)	
)	
Defendant.)	
)	

In accordance with the Bail Reform Act of 1984, 18 U.S.C. §3142(f), a detention hearing was scheduled for August 25, 2008 to determine whether defendant should be held in custody without bail pending trial and, if convicted, sentencing in the above-captioned matter. Assistant United States Attorney Karla Davis appeared on behalf of the United States; Attorney Diane Regan appeared on behalf of the Defendant for attorney Lisa Kay Baughman.

At the hearing the Defendant knowingly and voluntarily waived his right, on the record and in the presence of counsel, to the setting of bail and a detention hearing. Based on that waiver, the Court orders that Defendant be detained pending trial and, if convicted, sentencing in these matters, without prejudice or waiver of the Defendant's right to later apply for bail and conditions of release, and

1 without prejudice or a waiver of the right of the United States to seek detention in the event of an
2 application by Defendant for such relief.

3 ORDER

4 IT IS HEREBY ORDERED that the Defendant be detained pending trial and, if convicted,
5 sentencing in these matters.

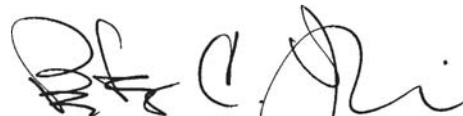
6 IT IS FURTHER ORDERED that Defendant be committed to the custody of the Attorney
7 General or her designated representative for confinement in a corrections facility separate, to the extent
8 practicable, from persons awaiting or serving sentence or being held in custody pending appeal. The
9 Defendant shall be afforded reasonable opportunity for private consultation with counsel.

10 While in custody, upon order of a court of the United States or upon the request of an attorney
11 for the United States, the person in charge of the correctional facility shall deliver the Defendant to the
12 United States Marshal for the purpose of and appearance in connection with a court proceeding or any
13 other appearance stipulated to by defense and government counsel.

14 This order is made without prejudice to modification by this Court and without prejudice to the
15 Defendant's exercise of his right to bail and a detention hearing at a future date.

16 IT IS SO ORDERED.

17 DATED: August 25, 2008

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20 PETER C. LEWIS
21 UNITED STATES MAGISTRATE JUDGE
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